

United States District Court
Middle District of Pennsylvania

Mr. Ari Bailey, Plaintiff *pro se*

V

Bruce D. Brandler, et al. Defendants,
G. Michael Thiel,
Joanne M. Hoffman

Civil No* 3:17cv2106

FILED
SCRANTON

NOV 16 2017

PER [Signature]
DEPUTY CLERK

Writ of Mandamus

Pursuant To 28 USC § 1361; And 28 USC §§ 535(b) and (c)(2)

I Jurisdiction

1.) Plaintiff brings this Writ of Mandamus pursuant to 28 USC § 1361 for Injunctive Relief, To Compel Defendants to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2).

II Venue

2.) The Middle of Pennsylvania is an appropriate venue under 28 USC § 1391(b)(2) because as a Substantial amount of the events, acts or omissions giving rise to the claims occurred in this District.

III Parties

3.) Bruce D. Brandler was at all times relevant to this instant as a Defendant and was acting under the color of Federal law, Bruce D. Brandler is being compelled as an officer or employee of the United States or an agency thereof to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2).

4.) G. Michael Thiel was at all times relevant to this instant action as a Defendant and was acting under the color of Federal law, G. Michael Thiel is being compelled as an officer or employee of the United States or an agency thereof to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2).

5.) Joanne M. Hoffman was at all times relevant to this instant action as a Defendant and was acting under the color of Federal law, Joanne M. Hoffman is being compelled as an officer or employee of the United States or an agency thereof to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2).

IV Factual Allegations

6.) Title 28 USC § 1361 provides: "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or an agency thereof to perform a duty owed to Plaintiff". § 1361.

7.) Title 28 USC § 535(b) provides: "Any information, allegation, matter, or complaint witnessed, discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate. . . ."

8.) Title 28 USC § 535(c)(2) provides: "The primary authority of the Postmaster General to investigate postal offices."

9.) Specifically, Mandamus is proper when: (1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff. *Kerr v US Dist. Court for the N. District of Cal.*, 426 U.S. 394, 403 (1976).

10.) Mandamus is regarded as the proper writ to control an officer as to the decision of a matter which the law never gave the defendants respectively, any power to decide. *Wilbur v United States*, 281 US 206, 818 (1930).

11.) Specifically, from December 2016 to July 25, 2017 government employee Joe Ordonez surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702; and theft and receipt of stolen mail in violation of 18 USC § 1708 during five (5) separate and distinct occasions or occurrences within which

Joe Ordonez was caught on USP Lewisburg's D-1 digital D-1 Close Circuit TV in full sequence surveillance D-1 Tier/range in front of detention cell #125 #103 #104 #105 #106 #107 Area camera recording DVD destroying Plaintiff's Outgoing Special Legal Mail addressed to the Federal Court in violation of 28 USC §§ 535(b) and (c)(2).

12.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction to investigate, indict, prosecute Joe Ordonez a government employee whom engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, and 18 USC § 371.

13.) Specifically, from February 19, 2015 to July 25, 2017 government employee Daniel Coombe surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702; and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

14.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively to perform a duty owed Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction to investigate, indict, prosecute Janie Coombe a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, 18 USC § 371.

15.) Specifically, from February 19, 2015 to July 25, 2017 government employee Dick Norr surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

16.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively to perform a duty owed Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction

to investigate, indict, prosecute Dink Norr a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, 18 USC § 371.

17.) Specifically, from February 19 2015 to December 2016 former government employee Suzanne V. Heath surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

18.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively to perform a duty owed Plaintiff pursuant to 28 USC §§ 535 (b) and (c)(2) within which gives the Attorney and Postmaster General jurisdiction, to investigate, indict, prosecute Suzanne V. Heath a former government employee who intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, 18 USC § 371.

19.) Specifically, from February 19 2015 to July 25, 2017 government employee Figlo surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

20.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively to perform a duty owed Plaintiff pursuant to 28 USC §§ 535 (b) and (c)(2) within which gives the Attorney and Postmaster General jurisdiction, to investigate, indict, prosecute Suzanne V. Heath, Figlo government employees whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, 18 USC § 371.

21.) Specifically, from January 2016 to July 25, 2017 government employee M. Wagner surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

22.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction to investigate, indict, prosecute M. Wagner a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1708, 18 USC § 1702, 18 USC § 371.

23.) Specifically, from February 19, 2015 to July 25, 2017 government employee James Fosnot surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation 18 USC § 1708, 18 USC § 371.

24.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction to investigate, indict, prosecute James Fosnot a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1708, 18 USC § 1702, 18 USC § 371.

25.) Specifically, from February 19, 2015 to July 25, 2017 government employee Brett Wert surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation 18 USC § 1708, 18 USC § 371.

26.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed Plaintiff pursuant to 28 USC § 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction to investigate, indict, prosecute Brett Wert a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 1708, 18 USC § 371.

27.) Specifically, from February 19, 2015 to July 25, 2017 government employee J. Hartman surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence

in violation of 18USC§1702; and criminal theft and receipt of stolen mail in violation of 18USC§1708, 18USC§371.

28.) The purpose, nature, and scope of this Writ of Mandamus is to compel defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed Plaintiff pursuant to 28USC§§ 535(b) and (c)(2) within which gives the Attorney General jurisdiction, to investigate, indict, prosecute J. Hartman a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18USC§1702; 18USC§1708, 18USC§371.

29.) Specifically, from February 19, 2015 to July 25, 2017 government employee Timothy Crawford surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18USC§1702; and criminal theft and receipt of stolen mail in violation of 18USC§1708, 18USC§371.

30.) The purpose, nature, and scope of this Writ of Mandamus is to compel defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant 28USC§§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General jurisdiction, to investigate, indict, prosecute Timothy Crawford a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18USC§1702, 18USC§1708, 18USC§371.

31.) Specifically, from February 19, 2015 to July 25, 2017 government employee A. Hartman surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18USC§1702; and criminal theft and receipt of stolen mail in violation of 18USC§1708, 18USC§371.

32.) The purpose, nature, and scope of this Writ of Mandamus is to compel defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28USC§§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General, jurisdiction, to investigate, indict, prosecute A. Hartman a government employee whom intentionally and willfully engaged in acts or omissions in violation of 18USC§1702; 18USC§371, 18USC§1708.

33.) Specifically from February 19, 2015 to July 25, 2017 government employee J. Page surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

34.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Postmaster General jurisdiction to investigate, indict, prosecute J. Page a government employee whom intentionally and willfully engaged in acts or omissions in violation of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

35.) Specifically from February 19, 2015 to July 25, 2017 government employee J. Waughen surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371, 18 USC § 535(c)(2).

36.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Postmaster General jurisdiction to investigate, indict, prosecute J. Waughen a government employee whom intentionally and willfully engaged in acts or omissions in violation of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

37.) Specifically from February 19, 2015 to July 25, 2017 government employee Daniel Knapp surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702, and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

38.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Postmaster General jurisdiction to investigate, indict, prosecute Daniel Knapp surreptitiously engaged intentionally and willfully in acts or omissions in violation of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

39.) Specifically from February 19, 2015 to July 25, 2017 government employee Dallas Beachel surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in

violation of 18 USC § 1702; and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

40.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Postmaster General, jurisdiction, to investigate, indict, prosecute Dallas Beachel a government employee who intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

41.) Specifically, from February 19, 2015 to July 25, 2017 government employee S. Buebendorf surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail to criminal obstruction of correspondence in violation of 18 USC § 1702; and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

42.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Postmaster General, jurisdiction, to investigate, indict, prosecute S. Buebendorf a government employee whom intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

43.) Specifically, Joe Ordonez, Daniel Coombe, Dirk Norr, Suzanne V. Heath, Figlo, M. Wagner, James Fosnot, Brett Wert, J. Hartman, Timothy Crawford, A. Hartman, J. Page, J. Waughen, Daniel Knapp, Dallas Beachel, S. Buebendorf respectively, government employees whom surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing Special Legal Mail containing administrative remedies (i.e. BP-10's & BP-11's) to criminal obstruction of correspondence in 18 USC § 1702; and criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

44.) Specifically, Joe Ordonez, Daniel Coombe, Dirk Norr, Suzanne V. Heath, Figlo, M. Wagner, James Fosnot, Brett Wert, J. Hartman, Timothy Crawford, A. Hartman, J. Page, J. Waughen, Daniel Knapp, Dallas Beachel, S. Buebendorf respectively, government employees, who surreptitiously engaged in acts or omissions that subjected Plaintiff's Outgoing General Correspondence to his Mother, and Incoming General Correspondence

from his Mother to Criminal obstruction of correspondence in 18 USC § 1702, and Criminal theft and receipt of stolen mail in violation of 18 USC § 1708, 18 USC § 371.

45.) The purpose, nature, and scope of this Writ of Mandamus is to compel Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, to perform a duty owed to Plaintiff pursuant to 28 USC §§ 535(b) and (c)(2) within which gives the Attorney General and Post Master General Jurisdiction, to investigate, indict, prosecute Joe Ordonez, Daniel Coombe, Dirk Norr, Suzanne V. Heath, Figlo, M. Wagner, James Farnot, Brett West, J. Hartman, Timothy Crawford, A. Hartman, J. Page, D. Waughen, Daniel Krapp, Dallas Beachel, S. Buebendorf respectively, government employees who intentionally and willfully engaged in acts or omissions in violations of 18 USC § 1702, 18 USC § 371, 18 USC § 1708.

46.) Defendants Bruce D. Brandler, G. Michael Thiel, Joanne M. Hoffman respectively, current and ongoing continue to breach, a mandatory, mandatory-nondiscretionary duty, prescribed by 28 USC § 535(b) and (c)(2), that involves NO element of judgment or choice. Wilbur, 281 US at 218.

47.) The Writ of Mandamus relief Plaintiff seeks, is enforceable pursuant to 28 USC § 535(b) and (c)(2) prescribes Defendants respectively, a mandatory, nondiscretionary duty. Wilbur, 281 US at 218; Kerr, 426 US at 403; Friends of the Earth, Inc. v. Laidlaw & Mt. Sevens (FOC), Inc., 528 US 167, 189-190 (2000).

48.) Congress has enacted a statute, so plainly prescribed as to be free from doubt, and equivalent to a positive command, this unambiguous text of 28 USC §§ 535(b) and (c)(2) is the policy, that specifically prescribes a course of action for Defendants to follow because the Defendants have NO rightful option, but to adhere to to the directive. Wilbur, 281 US at 218; Kerr, 426 US at 403; Friends of the Earth, Inc., 528 US at 189-190.

49.) Pursuant to 28 USC §§ 535(b) and (c)(2) Plaintiff is a witness to these violations of Federal Criminal Law.

50.) Mandamus is the proper Writ to control Defendants respectively, in their decisions in a matter the law NEVER gave them any power to decide for themselves. Friends of the Earth, Inc., 528 US at 180-181; Schlesinger v. Reservists Comm. to Stop the War, 418 US 208, 221 (1974).

V Causes of Action

Count I

Plaintiff Was Subjected To Violations of Federal Criminal Law Involving Government Officers and Employees In Violation of 18USC§1708, 18USC§371, 18USC§1708 Pursuant To 28USC§§535(b) and (c)(2)

51.) Plaintiff incorporates paragraphs 6 through 50 as though they were stated fully herein.

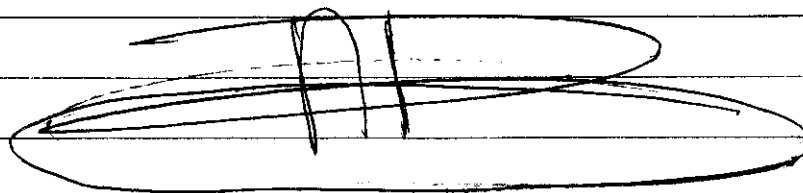
VI PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

A. ~~ISSUE~~ An Injunction;

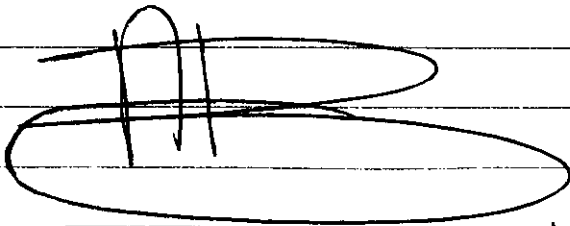
B. ~~ORDER~~ Defendants, it's officers, agents, servants, employees, attorneys, representatives, and all those acting in concert with it enjoined to perform their duty pursuant to 28USC§§535(b) and (c)(2).

Respectfully Submitted



Certificate of Service

Wherefore Plaintiff Ari Bailey certify that on November 9, 2017 I caused the foregoing Writ of Mandamus pursuant to 28 USC § 1361 to be served on the United States District Court Middle District of Pennsylvania via first class postage mail pursuant to Fed. R. App. P. 4(c)(1).

A handwritten signature in black ink, appearing to be 'Ari Bailey', written over a horizontal line.

Signature of Affiant

November 9, 2017
Date

11/8/17

MR. A. B. Bailey

Special Legal Mail

Inmate Name: MR. A. B. Bailey
Register Number: 03997-000

Office of the Clerk,
United States District Court

United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

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235 North Washington Avenue
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28 CFPs 540.18(c)(1)

